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REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

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I. INTRODUCTION

1. The Committee on Relations with the Host Country was established pursuant to General Assembly resolution 2819 (XXVI) of 15 December 1971. At its forty-fourth session, the General Assembly, by its resolution 44/38 of 4 December 1989, requested the Committee "to continue its work, in conformity with General Assembly resolution 2819 (XXVI)" and decided to include in the provisional agenda of its forty-fifth session the item entitled "Report of the Committee on Relations with the Host Country".

2. The present report is divided into five sections. The recommendations and conclusions of the Committee are contained in section V.

II. MEMBERSHIP, TERMS OF REFERENCE AND ORGANIZATION OF THE WORK OF THE COMMITTEE

3. By its resolution 2819 (XXVI), the General Assembly decided that the Committee should be "composed of the host country and fourteen Member States to be chosen by the President of the General Assembly in consultation with regional groups and taking into consideration equitable geographic representation thereon". In 1990 there were no changes in the membership of the Committee, which was as follows:

Bulgaria
Canada
China
Costa Rica
Côte d'Ivoire
Cyprus
France
Honduras
Iraq
Mali
Senegal
Spain
Union of Soviet Socialist Republics
United Kingdom of Great Britain and Northern Ireland
United States of America

4. Throughout 1990, Mr. Constantine Moushoutas (Cyprus) continued to serve as Chairman, the representatives of Bulgaria, Canada and Côte d'Ivoire as Vice-Chairmen and Mrs. Emilia Castro de Barish (Costa Rica) as Rapporteur.

5. The terms of reference of the Committee were determined by the General Assembly in its resolution 2819 (XXVI). The Assembly had particularly instructed the Committee "to deal with the question of the security of missions and the safety of their personnel, as well as all the categories of issues previously considered by the Informal Joint Committee on Host Country Relations". The Committee was further authorized to study the Convention on the Privileges and Immunities of the United Nations and to consider, and advise the host country on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations. In 1990, the Committee retained a detailed list of topics, previously adopted in May 1982, as follows:

1. Question of the security of missions and the safety of their personnel.

2. Consideration of, and recommendations on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, including:

   (a) Entry visas issued by the host country;

   (b) Acceleration of immigration and customs procedures;

   (c) Exemption from taxes;

   (d) Possibility of establishing a commissary at United Nations Headquarters to assist diplomatic personnel and staff.

3. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed with a view to resolving the issues relating thereto.

4. Housing for diplomatic personnel and for Secretariat staff.

5. Question of privileges and immunities:

   (a) Comparative study of privileges and immunities;

   (b) Convention on the Privileges and Immunities of the United Nations and other relevant instruments.

6. Host country activities: activities to assist members of the United Nations community.

7. Transportation: use of motor vehicles, parking and related matters.

8. Insurance, education and health.

9. Public relations of the United Nations community in the host city and the question of encouraging the mass media to publicize the functions and status of permanent missions to the United Nations.

10. Consideration and adoption of the Committee's report to the General Assembly.

6. During the period under review the Committee held five meetings: the 144th meeting on 31 January 1990; the 145th meeting on 30 April 1990; the 146th meeting on 18 June 1990; the 147th meeting on 10 October 1990; and the 148th meeting on 14 November 1990.

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7. The Bureau of the Committee consists of the Chairman, the Rapporteur, the three Vice-Chairmen and a representative of the host country who attends Bureau meetings ex officio. The Bureau is charged with the consideration of topics before the Committee, with the exception of the question of the security of missions and the safety of their personnel, which the Committee keeps under permanent review in plenary meetings.

8. During the reporting period the Bureau held seven meetings: on 16 and 29 January, 8 February, 12 and 25 April, 14 June and 20 September 1990. Among other matters the Bureau discussed, with the participation of representatives of the Department of Public Information of the Secretariat, possible activities with a view to encouraging the mass media to publicize the functions of, and the positive role played by, the United Nations and the missions accredited to it, and initiated an invitation to the Secretary-General and the Mayor of the City of New York, Mr. David N. Dinkins, to address the Committee; the Bureau also considered letters received by the Chairman from different permanent missions. The proposals and recommendations made by the Bureau were transmitted by the Chairman to the Committee as a whole for approval.

9. At its 146th meeting, the Committee, after consultations between the interested parties, appointed Mr. Richard Têtu (Canada) as Chairman of the Working Group to explore the possibility of establishing a commissary at United Nations Headquarters. Mr. Têtu succeeded Mr. José Roberto Martínez (Honduras). The Working Group held one meeting, on 27 June 1990, at which it decided to request information on the existing facilities in this regard at the United Nations Office at Geneva and the United Nations Office at Vienna.

III. VISIT OF THE MAYOR OF THE CITY OF NEW YORK TO THE COMMITTEE

10. At the 144th meeting, on 31 January 1990, the Chairman informed the members of the Committee that the Bureau had discussed the question of inviting the newly elected Mayor of the City of New York, Mr. David N. Dinkins, to address the Committee. The Committee approved the recommendation by the Bureau to extend an invitation to Mr. Dinkins to address the Committee "at an appropriate time" after the appointment of a new New York City Commissioner for the United Nations and the Consular Corps. On 22 May 1990, the Chairman addressed a letter to the Mayor requesting him to pay a visit to the United Nations to address the Committee. He also indicated in the letter that the Secretary-General would participate in the meeting as well. The invitation was accepted by the Mayor.

11. The first part of the 146th meeting, on 18 June 1990, was devoted exclusively to the visit by the Mayor to the Committee. In his statement, the Secretary-General extended a warm welcome to the Mayor. He noted that while that was not the first time Mr. Dinkins had visited United Nations Headquarters, it was the first time that a chief executive of New York City had honoured the Committee with his presence. The mayoral visit was considered an important symbol of the co-operation and understanding that had been developed over the years between the United Nations diplomatic community and the host city. In carrying out its mandate, the Committee dealt with a wide range of matters of vital significance for

the United Nations as well as for the host country and the host city. In particular, the security of missions accredited to the United Nations and the safety of their personnel figured permanently on the agenda of the Committee. These elements were crucial for the effective functioning of the missions and for the normal life of delegations in New York City. The efforts made by the host country and New York City authorities in this regard were highly appreciated. In particular, the Host Country Section of the United States Mission, the New York City Commission for the United Nations and the Consular Corps, and the New York City Police Department were commended for their work in seeking to accommodate the many needs, interests and requirements of the diplomatic community. Certain problems nevertheless continued to exist, such as the travel restrictions and limitations imposed by the host country on personnel of a number of missions as well as on staff of the Secretariat of certain nationalities. However, there were welcome signs that such restrictions were being eased. The Secretary-General expressed the hope that all such restrictions would be removed as soon as possible. As the New York City Commission had recognized in one of its reports, the United Nations was more than just an attractive edifice and park on the East Side of Manhattan. It was also a major employer, a purchaser of goods, a builder, a financial agency, a tourist attraction and, in general, a contributor to the economy of the City and surrounding region. It was estimated that the United Nations had generated expenditures in the New York City area amounting to $830 million a year. And such expenditures in the host city were expected to grow in the future. In referring to a publicity programme recently adopted by the Committee, the Secretary-General concluded that with the Mayor's co-operation the Committee could look forward to continued understanding between the United Nations diplomatic community and the City of New York.

12. In his address to the Committee, Mayor Dinkins stated that the diplomatic corps in New York was the world's largest. As it improved economic, cultural and political relations among the nations of the world, its work also had a positive impact on New York City. He had assigned Mr. Paul O'Dwyer, an experienced New York Commissioner, to head the City's Office for the United Nations and the Consular Corps. There were problems concerning claims made by creditors in New York against members of the diplomatic corps. When such problems existed, they arose not out of the bad faith of Governments but out of difficulties at home. He hoped that the Committee would continue to work with the New York City Commission for the United Nations to settle such matters satisfactorily. The impact of the diplomatic corps on the local economy was significant. In 1988, the diplomatic corps had spent nearly $1 billion, providing a much-needed stimulus to the local economy. More important, the personal and professional lives of the diplomats were deeply interwoven into the fabric of day-to-day city life, enriching the lives of all with contributions to art, culture, education and business. The Mayor appealed to the Members of the United Nations to do whatever they could to promote tolerance, respect and understanding within their own communities, for the good of the entire City. The United Nations was at the forefront of the global movement towards peace, freedom and democracy.

13. The Chairman, on behalf of the Committee, thanked the Secretary-General and the Mayor for their valuable statements. He also expressed the hope that their statements would serve the purpose of further promoting better co-operation and

mutual understanding between the United Nations diplomatic community, the host country and the people of the City of New York. The Committee would continue its efforts, together with the host country and the City of New York, to build up public awareness of the vital role played by the United Nations and the increasingly important work of missions accredited to it in the solution of global and regional problems and the strengthening of international peace and security.

14. The representative of the host country stated that the successful relationship between the United Nations and its host country represented the best of the traditions of both the United Nations and the United States of trying to find the best solution to their common problems. Speaking on behalf of the President of the United States, he reaffirmed the will of the United States to live up to its obligations as host country and thus to help the United Nations contribute to a more peaceful world.

IV. TOPICS DEALT WITH BY THE COMMITTEE

A. Question of the security of missions and the safety of their personnel

15. At its 144th meeting, on 31 January 1990, the Committee resumed consideration of matters relating to the security of missions and the safety of their personnel. The Chairman informed the members of the Committee of a letter dated 29 December 1989 that he had received from the Cuban Mission in which it complained about a demonstration at the premises of the Mission on 28 December 1989. The substance of the letter had been discussed by the Bureau of the Committee on 16 January 1990. The representative of the host country had then informed the Bureau of contacts in this regard with the mission concerned, which were found by both interested parties to be satisfactory. This information was confirmed to the Chairman of the Committee by Ambassador Oramas of Cuba.

16. The representative of the United States assured all the members of the Committee and all permanent missions accredited to the United Nations that the United States was committed to working out solutions to the problems that might arise. He encouraged missions that encountered difficulties to bring their problems to the United States Mission to the United Nations. As to the particular complaint by Cuba, he confirmed to the Committee that the matter had been resolved satisfactorily.

17. At the 147th meeting, on 10 October 1990, the Chairman reported to the Committee that he had received a letter dated 13 August 1990 from Ambassador Bashkim Pitarka of Albania containing a complaint in connection with the incidents that had taken place during the demonstrations near his Mission's premises held at the beginning of August. The substance of the letter had been discussed by the Bureau at its meeting on 20 September 1990. The representative of the host country had advised the Bureau that the United States authorities could not prevent legitimate demonstrations. He had promised, however, that the United States Mission would look into the alleged violations referred to in the Albanian letter.

18. At the same meeting, the representatives of Bulgaria, Canada, Costa Rica and Mali expressed appreciation to the competent United States authorities for the excellent arrangements made by them for the visiting heads of State and Government during the World Summit for Children. In summing up, the Chairman, on behalf of the Committee, expressed gratitude to the United States authorities for the security arrangements during the Summit.

B. Consideration of, and recommendations on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations

1. Host country travel regulations

19. In pursuance of paragraph 4 of resolution 44/38, in which the General Assembly urged the host country, in the light of the consideration by the Committee of travel regulations issued by the host country, to continue to bear in mind its obligations to facilitate the functioning of the United Nations and the missions accredited to it, the Committee resumed deliberations on this matter. At the 144th meeting, the representative of Bulgaria stated that the Committee had been very active during the past year. It had taken up a number of important issues aimed at facilitating the functioning of missions and the life of diplomats in New York. The host country had made a contribution in that respect that was appreciated by Bulgaria. However, the travel restrictions imposed by the host country continued to be the source of serious preoccupation for Bulgaria. He expressed the hope that the host country would resolve the existing problems in this regard. He recalled the observations of the host country that the restrictions imposed were justified by reasons of national security. Those allegations were unwarranted. The representative of the host country at previous meetings had promised to convey the concerns on the travel restrictions raised by the representatives of the affected countries to the Department of State. He hoped to receive the necessary clarifications on the matter.

20. At the 146th meeting, on 18 June 1990, the representative of Bulgaria said that he had learned with satisfaction that the travel restrictions had been waived in respect of Poland. He expressed the hope that these unwarranted measures would be reviewed in the case of all others concerned. He also welcomed the good working relationships that were developing with the representatives of the host country.

21. At the 147th meeting, the representative of Bulgaria pointed out that he was aware, although unofficially, that there was a further positive change in United States policy on travel restrictions. Such restrictions had recently been lifted in relation to one more Eastern European country. Bulgaria noted with satisfaction this positive change in the United States' position on the matter and looked forward to the day when these restrictions would be lifted with respect to other countries concerned.

22. In response, the representative of the United States stated that the recent actions by the host country did not represent a change in the position or policy

per se of the host country. The United States remained convinced that those measures were justified by national security concerns and did not interfere with its obligations under the Headquarters Agreement. However, changes in the objective situation called for some adjustments and the United States would continue to be responsive to those changes.

23. The representative of the Soviet Union expressed his appreciation that discriminatory travel restrictions were being re-examined by the host country. It was good to see that problems of daily life were being resolved with good faith. But some problems remained. Conditions now existed for a businesslike look at long-standing problems. Those included discriminatory restrictions on the travel by personnel of a number of missions to the United Nations. This problem should be resolved in a spirit of co-operation and in keeping with the relevant provisions of the existing legal instruments. The Soviet Union hoped that the necessary efforts would be made to resolve the problem as soon as possible.

2. Entry visas issued by the host country

24. At the 145th meeting of the Committee, on 30 April 1990, the observer of Palestine brought to the Committee's attention a problem that had arisen in connection with the issuance of visas for the members of the Palestinian delegation to the eighteenth special session of the General Assembly. Although most members of the delegation had been granted visas, a delay had occurred with regard to two persons, one of whom had never received a visa. The observer qualified the denial of a visa as a violation by the host country of its obligations under the Headquarters Agreement.

25. In response, the representative of the host country said that there had been bilateral contacts with regard to the visa that had not been issued. However, he took note of the comments made by the observer of Palestine and promised to investigate the matter further.

3. Complaints by Iraq

26. At the 147th meeting, the Chairman reported to the Committee that the Bureau, on 20 September 1990, had discussed the complaints expressed to him by the Permanent Representative of Iraq on 11 September 1990. Those complaints related in the main to problems arising from the withdrawal of multiple entry visas for Iraqi Mission personnel, the Mission's bank accounts and delays in delivery of the mail to the Mission. The problem concerning delivery of mail had been clarified and resolved to the satisfaction of the mission concerned. The representative of the host country informed the Bureau that he would clarify the remaining questions raised by Iraq.

27. At the same meeting, the representative of Iraq stated that the United States authorities had refused to allow a special Iraqi aircraft bearing the Iraqi Foreign Minister and the members of the Iraqi delegation to the forty-fifth session of the General Assembly to land in New York. The Iraqi Ambassador in Washington was

informed of this decision on 20 September 1990. In the circumstances Iraq had decided not to participate in the work of the General Assembly at the ministerial level. Thus Iraq, a founding Member of the United Nations, was unable to state its views in the General Assembly or to make contact with other delegations there. This behaviour by the United States authorities was a violation by the host country of its obligations under sections 11 and 12 of the Headquarters Agreement. This was a problem between the United States and the United Nations. The representative demanded that the United States lift its restrictions on the Foreign Minister's participation in the deliberations of the General Assembly.

28. The representative of Iraq also informed the Committee that the United States authorities had imposed, effective 21 September 1990, restrictions on travel undertaken by Iraqi Mission personnel. This measure also constituted a breach of diplomatic privileges. Furthermore, the freezing of Iraqi assets, the freezing of bank accounts of the Iraqi Mission as well as the freezing of its press account were hindering the work of the Mission. Refusal to provide multiple entry visas to Iraqi diplomats was also a serious impediment. The President of the United States had ordered arbitrary measures against Iraq and had not exempted the Iraqi Mission to the United Nations from those actions. Hence, United States companies had refused to do business with the Iraqi Mission, fearing reprisals and sanctions. He appealed to the Chairman to take up those issues with representatives of the host country. He hoped that the Iraqi Mission would be treated in keeping with the relevant provisions of the Headquarters Agreement.

29. The Chairman observed that he had earlier relayed Iraq's concerns to the host country. He had reported back to the Permanent Representative of Iraq that he had encountered understanding on the part of the host country, which needed more information on one of the questions raised by Iraq.

30. The representative of the host country stated that the charges made by the representative of Iraq were misdirected. Concerning the question of a special flight for the Foreign Minister, the United States had suggested that Foreign Minister Aziz travel by commercial means. The Headquarters Agreement provided that the United States shall not impose any impediment for travel to and from the Headquarters district. It made no reference to an obligation to allow special flights. The United States' denial of a special flight also in no way restricted the Foreign Minister's participation in the deliberations of the General Assembly. Ninety foreign ministers had travelled by commercial flights to the current session of the General Assembly. In view of the Iraqi Government's action not to allow the unrestricted travel of foreign nationals in Iraq, he thought it highly inappropriate to provide special treatment for Iraqi personnel in the United States. He thought it was ironic that Iraq should cite security threats as a reason for special treatment, especially since Iraq increasingly sponsored terrorist groups. However, had the Iraqi Foreign Minister arrived, he would have been provided appropriate security protection. In the mean time, with regard to bank accounts, the United States would endeavour to work out, item by item, the necessary measures that would allow access to the Iraqi Mission's bank accounts, so that the Iraqi Mission could duly undertake its duties and responsibilities with regard to the United Nations.

31. In reply, the representative of Iraq observed that he had not made accusations against the host country. He had stated the facts, well-known facts. He repeated his view that this was not a United States-Iraqi problem but a problem between the United States and the United Nations. The remarks of the representative of the United States were not relevant to the work of the Committee and for that reason Iraq would not comment on them.

4. Acceleration of immigration and customs procedures

32. At the 144th meeting, on 31 January 1990, the Chairman referred to certain difficulties experienced at the host country airports in providing help to family members upon their arrival. He said that this problem had been discussed at a meeting of the Bureau. The representative of the host country promised to bring the matter to the attention of the competent authorities of his country with a view to clarifying the existing procedures in this regard.

33. At the 145th meeting, the representative of the United Kingdom of Great Britain and Northern Ireland said that he had read in The New York Times about certain changes in immigration procedures for United States nationals to be implemented at New York airports. He hoped that the proposed changes would not affect holders of "A" and "G" visas. In his informal contacts with the United States Mission, he had suggested that it might help missions and consulates in New York if there was a written summary of the exact procedures at New York airports. There was a degree of uncertainty, which was shared by some of the personnel on the ground at certain terminals. He wondered whether the representative of the host country could provide any details regarding the matter.

34. In response to that inquiry, the representative of the host country confirmed that consideration was being given to changing existing immigration procedures. The implementation of the new procedures had been delayed for a few months. Currently, at all major terminals at Kennedy and Newark airports, all United States citizens arriving on international flights were processed by customs officials, and there was a separate line for "A" and "G" visa holders. He anticipated that that procedure would continue and there would not be any adverse effect on the processing of "A" and "G" visa holders. The change would affect American citizens, who would be required to go through a different line. It was possible that there would be a phased implementation of the new procedure, in which case the United States Mission would notify the Committee. The United States was also prepared to respond with written guidance in this regard.

5. Exemption from taxes

35. At the 145th meeting, the representative of Spain recalled that paragraph 26 of the Committee's report to the General Assembly at its forty-fourth session 1/ had referred to problems experienced by the United Kingdom Mission resulting in failure to obtain exemption from taxes in a number of states of the host country. The representative of the host country had promised that the United States Mission would look into the matter. 2/ Those problems remained. State authorities did

not seem to be familiar with the tax exemption to which diplomats were entitled. The representative of Spain requested information on any action taken by the host country in this regard.

36. In response, the representative of the United States assured the representative of Spain that the matter had been taken up with the competent authorities in Washington. In a country as large as the United States, with a decentralized system of government, such problems could occur. At the moment the issue remained under consideration in Washington. He promised to keep the Committee informed of the practical steps taken by the host country to improve the situation.

37. At the 146th meeting, the representative of France recalled that several delegations had discussed problems that they had encountered in securing exemption from taxes. Members of the French Mission had encountered similar problems in the states of California, Connecticut, Illinois and Massachusetts. Those cases had involved employees of businesses who had refused to provide tax exemption, claiming that state or local regulations superseded federal regulations. He requested that the host country look into that particular aspect of the question of tax exemption.

38. The representative of the United Kingdom reminded the members of the Committee that he had raised the question of tax exemption the previous December and had suggested at that time that one way to deal with the matter would be to improve the wording of the tax exemption card. He was pleased to learn that the wording had been revised to make it clear that the exemption was nation-wide. He also suggested, as an additional practical measure, that the Office of Foreign Missions at the State Department could directly contact the general counsel of, for example, large hotel and rental car chains in order to ease the problem of tax exemption in their establishments. The Office might suggest that such companies incorporate information on tax exemption in their computer systems.

39. At the 147th meeting, the representative of Canada observed that in the past the host country had done a great deal to ensure that tax exemptions for diplomats were duly respected by the business community. However certain problems remained with regard to the matter. Many hotel chains and department stores, both in New York and in other parts of the country, did not observe the tax-exempt status of foreign diplomats. The Committee should look into how these problems could be settled. He proposed a meeting with the head of the Office of Foreign Missions to discuss the existing problems arising from the implementation of the Headquarters Agreement.

40. The representatives of the United Kingdom and Spain expressed their support for the suggestion made by the representative of Canada. In the past the Committee had successfully organized talks with the New York City authorities. It would be useful to meet with the federal authorities as well. The meeting should have as wide range as possible in order that every delegation could raise any questions that involved the federal Government, not only those involving tax exemption.

41. The representative of the United States said that he would convey the proposal to the appropriate authorities in Washington. However, it would be helpful if there was a documented problem which could be discussed with the relevant authorities. The United States Mission remained open at any time to comments, complaints, questions or suggestions on any subject related to the host country. He encouraged those delegations which did have questions to pursue them directly with the United States Mission.

6. Possibility of establishing a commissary at United Nations Headquarters to assist diplomatic personnel and staff

42. At the 144th meeting, on 31 January 1990, the Chairman informed the Committee of the discussions held at a Bureau meeting on 16 January 1990, concerning the possibility of establishing a commissary at United Nations Headquarters. The Bureau considered it desirable that the Working Group, set up at the 140th meeting of the Committee, on 25 May 1989, continue its work on the matter.

43. The Legal Counsel observed that the creation of a commissary had been a long-debated issue in the Committee. He informed the Committee that on 3 November 1989 the Secretary-General had received a letter from the Chairman of the Committee bringing the matter to the Secretary-General's attention, with a view to soliciting his views on the issue of establishing such a facility. The Office of Legal Affairs had contacted the Office of General Services, which, after a thorough examination of the matter, had concluded that space at Headquarters was very scarce and, therefore, it appeared impossible to find anywhere within the existing buildings adequate space for a full-fledged duty-free shop. The appropriate departments of the Secretariat continued to explore the matter.

44. At the 146th meeting, on 18 June 1990, the Committee accepted a recommendation by the Bureau to appoint Mr. R. Têtu (Canada) as Chairman of a Working Group on the establishment of a commissary at the United Nations. The Chairman expressed the hope that the Working Group would be able to consider the matter in a constructive manner.

45. At the 147th meeting, the Chairman of the Working Group reported to the Committee that the letters requesting information on the subject had been sent to the United Nations Office at Geneva and the United Nations Office at Vienna. A response had been received from Vienna. As soon as the information was complete, it would be conveyed to the attention of the Committee.

C. Transportation: use of motor vehicles, parking and related matters

46. At the 144th meeting, the Legal Counsel recalled that at the 141st meeting, held on 27 October 1989, he had promised to inform the Committee of the proposed measures to be taken by the Secretariat in order to accommodate the preoccupations of certain missions regarding difficulties encountered by their personnel in parking in the United Nations Garage while in a car bearing "S" plates. The

Secretariat had worked out a procedure allowing the issuance of parking decals listing more than one vehicle per delegate. Missions to the United Nations had recently been informed by a circular note that parking decals listing more than one vehicle per delegate would be issued in order to allow the delegate to use his/her replacement car on an ad hoc basis when the one bearing the "D" plates could not be used. To effect these changes, delegates who had more than one vehicle were invited to bring the current registration of their additional vehicles together with their "D"-plated vehicles' parking decals for the forty-fourth session of the General Assembly to the United Nations Garage Administration, room S-B1-01.

47. The representative of Costa Rica thanked the Legal Counsel for his efforts to resolve these problems.

48. The representative of Bulgaria raised the question of "moving violations". It was difficult for Bulgaria to accept the idea that the United States Mission could not and should not interfere in court proceedings in such cases when they involved the diplomatic community. He doubted that this approach was in full compliance with international law. He referred to the immunity of diplomats from the jurisdiction of the local courts. The relevant international instruments explicitly provided for such immunity. He hoped that the pending cases would be resolved in compliance with international law. While the concerns of the host country regarding traffic in New York City were understandable, the practice, however, showed that moving violations by diplomats were insignificant both in number and in character. They did not represent a serious threat to the traffic in New York City. He hoped that the host country could look into the matter and try to see what would be done in connection with the so-called problem of moving violations.

D. Insurance, education and health

49. At the 144th meeting, the Chairman informed the members of the Committee that the Bureau, at its meeting on 16 January 1990, had considered the question of lack of recreational facilities for members of the United Nations community. The Bureau decided to study the matter further. The question had also been raised of the financial requirements for education of children of the diplomatic community in New York. There had been a substantial increase of fees for them on the ground that they were not United States citizens or permanent residents of New York State. The representative of the host country had promised to look into the matter.

50. The representative of Bulgaria raised the question of the education of children of the diplomatic community in New York. The children of the Bulgarian Mission's staff members applying to study at the City University of New York were required to sign a declaration that they would stay permanently in the United States upon completion of their education. Such a declaration would effectively bar children of diplomats from studying in the United States. He recalled that children of United Nations employees did not experience problems of this kind. Moreover, the fees charged to children of diplomats were three to four times higher than the fees applied to the dependants of United Nations employees. He appealed for equal treatment and asked the host country to look into the matter together with the New York City Commission for the United Nations and Consular Corps.

51. In reply to the questions concerning fees at schools, the representative of the United States said that his Mission would look into them. If the Mission could not solve the problem, it would at least explain to the parties concerned what were the prospects or why the Mission could not obtain the desired results. Subsequently, the matter was satisfactorily clarified to the representative of Bulgaria by a representative of the United States Mission.

52. At the 147th meeting, the observer of the Syrian Arab Republic informed the Committee that the insurance company with which his Mission was insured had cancelled the contract. That was a problem being faced by many missions. The state authorities of New York and New Jersey had been contacted on the matter but there was still no company that would agree to insure the Syrian Mission. He asked the representative of the host country if he could resort to any measures to remedy the matter.

53. Responding to the question raised by the observer of the Syrian Arab Republic, the representative of the host country stated that he would try to respond to the query as soon as he could obtain the relevant information. He encouraged those missions which ran into such problems not to wait for Committee meetings but to take them up immediately with the United States Mission.

E. Public relations of the United Nations community in the host city and the question of encouraging the mass media to publicize the functions and status of permanent missions to the United Nations

54. At the 144th meeting, the Chairman informed the Committee of the discussions at the Bureau concerning measures to be taken to encourage the mass media to publicize the functions of and role played by the United Nations and the missions accredited to it in view of the generally negative image of the United Nations and the New York diplomatic community in the local press and television. The Bureau decided to invite a representative of the Department of Public Information of the Secretariat to consider informally its activities in that regard.

55. The Committee continued its consideration of the matter at its 145th meeting. The Chairman reminded the members of the Committee that the General Assembly in its resolution 44/38 had stressed the importance of a positive perception of the work of the United Nations and urged that efforts be continued to build up public awareness by explaining, through all available means, the importance of the role played by the United Nations and the missions accredited to it in the strengthening of international peace and security. Pursuant to that request the Bureau had held meetings, on 8 February and 12 and 25 April 1990, with the Under-Secretary-General for Public Information with a view to working out concrete measures in this regard. As a result, the Department for Public Information had prepared a publicity programme, the main elements of which could be accommodated within the context of the information programmes and budget for the current biennium.

56. The publicity programme was introduced to the Committee at its 145th meeting by the Director of the Information Products Division. The proposed programme consisted of one article in the United Nations Focus series, which would

be written in a journalistic style and would portray the role of the United Nations delegations with a human interest slant (the Department for Public Information would disseminate the article to as many neighbourhood newspapers as possible); one tentative article in the UN Chronicle; one radio programme in the UN Scope series; and one World Chronicle television programme. The Committee approved the proposed programme by consensus.

57. At the 146th meeting, the representative of the Department of Public Information presented to the Committee a progress report on the preparation of various stages of the publicity programme, many of which would be launched in time for the opening of the forty-fifth session of the General Assembly. Radio and television would receive particular attention, although the United Nations did not possess its own transmitters. The Department therefore proposed to work more closely with members of the Committee to arrange television and radio appearances for Committee members on local "talk shows". The Committee adopted the additional proposals to the programme suggested by the Department.

F. Other matters

58. At the 145th meeting of the Committee, on 30 April 1990, the Chairman and the representative of Costa Rica paid tribute to Mr. Zenon Rossides, the former Ambassador of Cyprus, who had served as the Committee's Chairman from December 1971 to July 1979. In memory of Mr. Rossides the Committee observed a minute of silence.

59. Also at the 145th meeting, the Chairman announced that Mr. Paul O'Dwyer had been appointed as the new Commissioner of the New York City Commission for the United Nations and the Consular Corps. In introducing Mr. O'Dwyer to the Committee, the representative of the United States described him as a distinguished lawyer who had defended civil and human rights and who had an intimate knowledge of the City derived from a remarkable civic career. The Chairman welcomed Mr. O'Dwyer on behalf of the Committee and congratulated him warmly on the occasion of the assumption of his functions as Commissioner for the United Nations and the Consular Corps. The Committee looked forward to the same close and constructive co-operation with the Commission that it had had with his predecessor, Mrs. Gillian Martin Sorensen.

60. At the same meeting, the observer of the Libyan Arab Jamahiriya referred to the various problems faced by his Mission, which were well known to the Committee. In addition, he informed the Committee that a member of the Libyan Mission had been prevented from attending the annual meeting of the American-Arab Committee of the Campaign against Racial Discrimination in Virginia. A further request for Libyan participation in a seminar on multilateral diplomacy and peace-keeping held at Temple University, in Philadelphia, had also been refused by the United States authorities. Those restrictions were unjustifiable. The Libyan Arab Jamahiriya was ready to enter into a dialogue with the host country either directly or through the Secretary-General and the Legal Counsel, or by having resort to arbitration as provided for in the Headquarters Agreement. He hoped that the host country could find a solution to all of the above problems.

61. In response, the representative of the host country pointed out that the background to the particular situation was well known. With respect to travel, he reiterated his Government's commitment to honouring its obligations to permit official United Nations travel. As for the specific incidents mentioned by the Libyan observer, they had been deemed "non-official travel" and because of national security concerns the United States had restricted travel in both those cases. As for other aspects of certain controls, the United States Government maintained that its treaty obligations as host country to the United Nations were fulfilled by not interfering with access to the Headquarters district. Travel outside the five boroughs was considered on a case-by-case basis. He took note of remarks made on the subject and promised to inform his Government accordingly.

62. The representative of the United Kingdom observed that he fully accepted the need for the host country to protect its security. However, he was slightly concerned about one of the reasons given in the case of the second meeting on peace-keeping held at Philadelphia, namely that a meeting of that sort was not regarded by the host country as being related to the functions of United Nations missions. A member of his Mission had attended the meeting, as it was regarded as part of the function of the Mission. While he did not question the decision in this case, he questioned whether the grounds given for it might not have been too wide.

63. The representative of the United States replied that the meeting in question had been sponsored by a private organization and, on that ground, had not been considered official United Nations business. He recognized that there were "grey areas". The United States was prepared to take them up on a case-by-case basis directly or with the Legal Counsel of the United Nations.

64. At the 146th meeting, the representative of Bulgaria said that Bulgarians in the City of New York had been able to participate in their national elections. In this connection he thanked the assistance given to his Mission by the host country and the New York City Commission for the United Nations and Consular Corps.

65. The observer of the Libyan Arab Jamahiriya observed that his delegation could address each item on the agenda, as the Libyan Mission was affected by every question raised before the Committee. He pointed out that the Libyan Arab Jamahiriya would continue to work with the host country in order to resolve their problems, and that his Government would be willing to submit to an arbitration if necessary, with a view to resolving its well-known problems with the host country.

66. At the 148th meeting, on 14 November 1990, the representative of Iraq referred to the problems relating to the Headquarters Agreement encountered by the Iraqi Mission to the United Nations. He hoped that these problems could and would be solved in a way that furthered the work of the Committee.

67. The observer of Cuba informed the Committee of the hostile demonstrations that had been held regularly for the past 11 months in front of the Cuban Mission. During these demonstrations there had been repeated incidents of verbal abuse of and physical aggression against various members of the Mission as well as their families in a pattern of harassment and intimidation. Cuba had repeatedly reported

such illegal acts to the host country and the latter had promised to contain them in the future. While there had been some improvement, the behaviour of the extremists seemed to indicate a degree of encouragement from the host country. In a letter recently addressed to the attention of the Secretary-General, the Secretary-General was requested to take the necessary steps to help to put an end to these disgraceful activities in accordance with the obligations of the host country under the Headquarters Agreement and the 1961 Vienna Convention on Diplomatic Relations.

68. The representative of the United States expressed regret that the incidents described by the representative of Cuba had taken place. He assured the representative of Cuba and the members of the Committee that the host country authorities were working closely to deter any illegal activities of this particular group of demonstrators. He rejected any implication that the host country authorities might be tolerating such improper activities. He further assured the members of the Committee that the United States did not tolerate demonstrations that were unlawful, and stressed that the United States would continue to enforce the law vigorously and protect Cuban representatives and their families.

V. RECOMMENDATIONS AND CONCLUSIONS

69. At its 148th meeting, on 14 November 1990, the Committee approved the following recommendations and conclusions:

(a) The Committee welcomes the participation of Members of the United Nations and the Secretariat in its work and is convinced that its important work has been strengthened by the co-operation of all concerned.

(b) Considering that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interests of the United Nations and all Member States, the Committee appreciates the efforts made by the host country for this purpose and hopes that outstanding problems raised at its meetings will be duly settled in a spirit of co-operation and in accordance with international law.

(c) Considering that the security of missions accredited to the United Nations and the safety of their personnel are indispensable for their effective functioning, the Committee appreciates the efforts of the host country to this end and hopes that the host country will continue to take all measures necessary to prevent any interference with the functioning of missions.

(d) The Committee considered the travel regulations issued by the host country with regard to personnel of certain missions and staff members of the Secretariat of certain nationalities. The Committee takes note of the positions of the affected Member States, of the Secretary-General and of the host country.

(e) With a view to facilitating the course of justice, the Committee calls upon the missions of Member States to co-operate as fully as possible with the federal and local United States authorities in cases affecting the security of missions and their personnel.

(f) The Committee appeals to the host country to review the measures relating to diplomatic vehicles with a view to responding to the needs of the diplomatic community, and to consult with the Committee on matters relating to transportation.

(g) The Committee wishes to reiterate its appreciation to the Host Country Section of the United States Mission to the United Nations, the New York City Commission for the United Nations and the Consular Corps and those bodies, particularly the New York City Police Department, which contribute to its efforts to help to accommodate the needs, interests and requirements of the diplomatic community, to provide hospitality and to promote mutual understanding between the diplomatic community and the people of the City of New York.

(h) The Committee stresses the particular importance of a positive perception of the increasingly important work of the United Nations and urges that efforts be continued to build public awareness of the vital role played by the United Nations and the missions accredited to it for the solution of global and regional problems and strengthening of international peace and security.

Notes

1/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 26 (A/44/26).

2/ Ibid., para. 27.